

**Proposed Action:** The Commission is considering approval of a gas transportation contract rate between Alliance Energy Transmissions LLC and its affiliate, Seneca Power Partners LLC.

**Statutory authority:** Public Service Law, sections 66(1), (2), (3), (5), (8), (9), (10), (12) and 72

**Subject:** Approval of a gas transportation contract rate.

**Purpose:** To consider approval of a gas transportation contract rate.

**Substance of proposed rule:** The Public Service Commission is considering approval of a gas transportation contract rate, of \$3.87 per dekatherm, between Alliance Energy Transmissions LLC and its affiliate, Seneca Power Partners LLC. The Commission may adopt, reject or modify, in whole or in part, the relief proposed.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.state.ny.us/f96dir.htm>. For questions, contact:** Leann Ayer, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: leann.ayer@dps.ny.gov.

**Data, views or arguments may be submitted to:** Jaclyn A. Brillling, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-G-0256SP1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Escrow Account Statement No. 2

**I.D. No.** PSC-27-12-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a tariff filing by Windham Ridge Water Corp., requesting approval for Escrow Account Statement No. 2 to P.S.C. No. 1 — Water, to become effective October 1, 2012.

**Statutory authority:** Public Service Law, sections 4(1), 5(1)(f), 89-c(1) and (10)

**Subject:** Escrow Account Statement No. 2.

**Purpose:** To approve Escrow Account Statement No. 2.

**Substance of proposed rule:** The Commission is considering whether to approve, modify or reject, in whole or in part, a tariff filing by Windham Ridge Water Corp., requesting approval for Escrow Account Statement No. 2 to P.S.C. No. 1 - Water. The proposed filing has an effective date of October 1, 2012. The Commission may resolve related matters and may take this action for other utilities.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.state.ny.us/f96dir.htm>. For questions, contact:** Leann Ayer, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: leann.ayer@dps.ny.gov

**Data, views or arguments may be submitted to:** Jaclyn A. Brillling, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-W-0278SP1)

## Department of State

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Foreign Language Advertising by Notaries Public

**I.D. No.** DOS-27-12-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Addition of Part 200 to Title 19 NYCRR.

**Statutory authority:** Executive Law, section 135-b

**Subject:** Foreign language advertising by notaries public.

**Purpose:** To protect consumers against false and misleading advertising.

**Text of proposed rule:** See Appendix in the back of this issue.

**Text of proposed rule and any required statements and analyses may be obtained from:** Whitney Clark, New York State, Department of State, 1 Commerce Plaza, 99 Washington Avenue, Albany NY 12231, (518) 473-2728, email: whitney.clark@dos.state.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

**This action was not under consideration at the time this agency's regulatory agenda was submitted.**

**Regulatory Impact Statement**

1. Statutory authority:

Executive Law § 135-b prohibits notaries public from advertising their services using foreign language terms that falsely represent or imply that the notary public is an attorney duly licensed and authorized to practice law. For those notaries who advertise their services in a foreign language, the statute also requires that the following disclaimer be contained in the advertisement, "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

The statute requires the Department to promulgate regulations designating the foreign language terms that mean or imply that the notary public is licensed and authorized to practice law. Executive Law § 135-b also authorizes the Department to promulgate regulations governing other provisions of § 135-b, including the size and type of the aforementioned disclaimer.

2. Legislative objectives:

The Legislative Memorandum in Support of the bill that was ultimately codified as Executive Law § 135-b argued that, "Many immigrants mistakenly believe that notaries public are attorneys and are qualified to handle legal matters. In the past, notaries public have manipulated the term 'Notario Publico'...and used it to take advantage of immigrants who need assistance with their legal issues, including but not limited in the areas of tax and immigration law." Accordingly, the legislative objective in passing Executive Law § 135-b was to provide strong consumer protection to immigrant communities by ensuring that foreign language advertisements expressly advise the public that the non-attorney notary is not permitted to practice law.

3. Needs and benefits:

The proposed rule will advance the statutory intent of Executive Law § 135-b by protecting consumers and providing guidance to notaries public on proper foreign language advertising.

4. Costs:

a. Costs to regulated parties:

The proposed rule will impose costs on those notaries public who choose to place foreign language advertisements. Those who are not authorized to practice law in New York State will need to publish a disclaimer to that effect. Advertising costs vary based on method and location. Print advertising costs range from approximately \$8.00 to \$289 for a column inch of black and white advertising space. The cost of advertising in the classified section of a newspaper varies based on the frequency of the advertisement and whether the advertisement is placed in the daily or Sunday newspaper. These advertising rates range from approximately \$9.00 to \$21.00. Internet advertising varies from free to \$500 per month based on the website, size and type of the advertisement placed. The actual cost imposed by this regulation will be less than the total advertising cost insofar as the required disclaimer is brief.

b. Costs to the Department of State:

The rule does not impose any costs upon the Department of State.

Investigations of alleged violations will be conducted by existing enforcement staff. Similarly, hearings related to notary advertising will be conducted by the Department's Litigation Unit and Office of Administrative Hearings.

5. Local government mandates:

The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.

6. Paperwork:

The rule does not impose any paperwork requirements.

7. Duplication:

This rule does not duplicate, overlap or conflict with any other state or federal requirement.

8. Alternatives:

The Department considered proposing a regulation to require the disclaimer to be published in a certain font size. It was determined, however, that adequate protections could be obtained with the proposed language while, at the same time, permitting some flexibility in advertisements.

The Department also considered prohibiting the use of additional terms. It was ultimately determined, however, that the proposed terminology was preferable insofar as it globally prohibits the use of foreign terms that imply the advertising notary is an attorney thereby avoiding the need to revise the rule as the Department learns of additional misleading terms being used in some notary advertising.

9. Federal standards:

There are no federal standards regulating notary public advertising. Consequently, this rule does not exceed any existing federal standard.

10. Compliance schedule:

To afford notaries public sufficient time to modify existing advertisements to comply with the proposed regulations, the Department of State intends the proposed rule to be effective three months after filing the notice of adoption.

**Regulatory Flexibility Analysis**

1. Effect of rule:

The rule will apply to notaries public who elect to advertise their services in a foreign language. The Department of State (the "Department") currently commissions 282,064 notaries public. While some work independently or for a small business, not all place foreign language advertisements.

The rule does not apply to local governments.

2. Compliance requirements:

The proposed rule does not impose any reporting or recordkeeping requirements on notaries public. All notaries will, however, be required to comply with the proposed rule in the event that it is adopted as regulation. Notaries are not required to advertise their services. If they elect to do so in a foreign language, however, the content of said advertisements will need to conform to the requirements and limitations of the proposed rule making.

3. Professional services:

Notaries public will not need to rely on professional services to comply with the requirements of the proposed rule which limits and prescribes the content of foreign language advertisements. To place advertisements, however, notaries will need to contact and work with the source of the advertisement, be it a newspaper, billboard, internet provider or other source, to arrange for the placement of the advertisement.

4. Compliance costs:

The proposed rule making will impose costs on those notaries public who choose to place foreign language advertisements. Those who are not authorized to practice law in New York State will need to publish a disclaimer to that effect. Advertising costs vary based on method and location. Print advertising costs range from approximately \$8.00 to \$289 for a column inch of black and white advertising space. The cost of advertising in the classified section of a newspaper varies based on the frequency of the advertisement and whether the advertisement is placed in the daily or Sunday newspaper. These advertising rates range from approximately \$9.00 to \$21.00. Internet advertising varies from free to \$500 per month based on the website, size and type of the advertisement placed. The actual cost imposed by this regulation will be less than the total advertising cost insofar as the disclaimer required by the proposed rule is concise.

5. Economic and technological feasibility:

The Department has determined that it will be economically and technologically feasible for small businesses to comply with the proposed rule. The limitations and requirements of the content of advertisements which would be imposed by the proposed rule making will not significantly increase the costs of advertising. The costs of placing advertisements that are compliant with the proposed regulations are anticipated to be virtually the same as placing advertisements that do not comply with the rule. As such, it will be economically feasible for small businesses to comply with the proposed rule.

It will also be technologically feasible for small businesses to comply with the proposed rule. The proposed rule offers simple and easy to follow guidance on the content of foreign language advertisements. Notaries public, including those working for small businesses will not have to rely on special technology to conform the content of their advertisements to the requirements of the proposed rule making.

6. Minimizing adverse economic impact:

The Department of State has not identified any adverse economic impact of this rule. The rule does not impose any additional reporting or record keeping requirements on notaries public and does not require notaries to take any affirmative acts to comply with the rule other than conform the content of any advertisements which they chose to place to the requirements of the proposed rule making.

The Department of State anticipates that an immediate effective date of the rule may negatively impact those notaries who have already authorized the publication of foreign language advertisements and may need to pay a cancellation or other fee to stop the placement of the advertisement. So as to minimize any adverse economic impact on these commission holders, the Department of State will make the rule effective three months after filing the notice of adoption; this will provide notaries public with adequate time to bring their foreign language advertisements into compliance with the rule.

7. Small business participation:

Prior to proposing the rule, the Department of State published a copy of the proposed text on its website. No comments were received. The Department of State will continue its outreach after the rule is formally proposed as a Notice of Proposed Rule Making in the State Register. The publication of the rule in the State Register will provide additional notice to small businesses. Additional comments will be received and entertained by the Department during the formal public comment period indicated in this Notice of Proposed Rule Making.

8. Compliance:

The Department of State anticipates that an immediate effective date of the rule may negatively impact those notaries who have already authorized the publication of foreign language advertisements and may need to pay a cancellation or other fee to stop the placement of the advertisement, including those working for small businesses. So as to minimize any adverse economic impact on these commission holders, the Department of State will make the rule effective three months after filing the notice of adoption. To comply with this rule in a timely manner, notaries public must conform their foreign language advertisements with the terms of this rule no later than the expiration of this three-month period of time. The Department of State has determined that this delayed effective date will afford an opportunity for all regulated parties, including those employed by small businesses, to comply with the rule.

In addition to the aforementioned cure period, commissioned notaries are entitled to an administrative hearing pursuant to sections 130 and 135-b of the Executive Law and 19 NYCRR Part 400. Prior to imposing any penalty, the Department of State affords licensees the right to a hearing at which they can appear and present evidence, including mitigating factors, in defense of the alleged violation. After a hearing determination has been issued, licensees are additionally afforded the right to file an administrative appeal with the Secretary of State to challenge the penalty imposed by the hearing officer.

**Rural Area Flexibility Analysis**

1. Effect of the rule:

The proposed rule will apply to notaries public who advertise their services in a foreign language. Notaries will be expressly prohibited from using terms in these advertisements that falsely state or imply that the notary is authorized to practice law in New York State. The rule will also require foreign language notary advertisements to contain a disclaimer notifying the public that the notary is not an attorney and not authorized to provide legal advice. The Department of State (the "Department") currently commissions 282,064 notaries public.

2. Compliance requirements:

The proposed rule making does not impose any reporting or recordkeeping requirements on notaries public. All notaries will, however, be required to comply with the proposed rule in the event that it is adopted as regulation. Notaries are not required to advertise their services. If they elect to do so in a foreign language, however, the content of said advertisements will need to conform to the requirements and limitations of the proposed rule making.

3. Professional services:

Notaries public will not need to rely on professional services to comply with the requirements of the proposed rule which limits and prescribes the content of foreign language advertisements. To place advertisements, however, notaries will need to contact and work with the source of the advertisement, be it a newspaper, billboard, internet provider or other source, to arrange for the placement of the advertisement.

4. Compliance costs:

The proposed rule making will impose costs on those notaries public who choose to place foreign language advertisements insofar as, those who are not authorized to practice law in New York State, will need to publish a disclaimer to that effect. Advertising costs vary based on method and location. Print advertising costs range from approximately \$8.00 to \$289 for a column inch of black and white advertising space. The cost of advertising in the classified section of a newspaper varies based on the frequency of the advertisement and whether the advertisement is placed in the daily or Sunday newspaper. These advertising rates range from approximately \$9.00 to \$21.00. Internet advertising varies from free to \$500 per month based on the website, size and type of the advertisement placed. The actual cost imposed by this regulation will be less than the total advertising cost insofar as the disclaimer required by the proposed rule is concise.

5. Minimizing adverse economic impacts:

The Department of State has not identified any adverse economic impact of this rule. The rule does not impose any additional reporting or record keeping requirements on notaries public and does not require notaries to take any affirmative acts to comply with the rule other than conform the content of any advertisements which they chose to place to the requirements of the proposed rule making.

The Department of State anticipates that an immediate effective date of the rule may negatively impact those notaries who have already authorized the publication of foreign language advertisements and may need to pay a cancellation or other fee to stop the placement of the advertisement. So as to minimize any adverse economic impact on these commission holders, the Department of State will make the rule effective three months after filing the notice of adoption during which time, notaries public may bring their foreign language advertisements into compliance with the rule.

6. Rural area participation:

Prior to proposing the rule, the Department of State published a copy of the proposed text on its website. No comments were received. The Department of State will continue its outreach after the rule is formally proposed as a Notice of Proposed Rule Making in the State Register. The publication of the rule in the State Register will provide additional notice to notaries located in rural areas. Additional comments will be received and entertained by the Department.

**Job Impact Statement**

The proposed rule addresses advertising by notaries public to prohibit advertisements that falsely state or represent that a notary is authorized to practice law. This is not a practice engaged in by the vast majority of notaries and, rather, is a dishonesty perpetrated by a small minority of commissioned notaries public. While the proposed rule will no doubt harm business for these dishonest few, it will not have a substantial adverse impact on jobs and employment opportunities for the vast majority of notaries public.

## Urban Development Corporation

### EMERGENCY RULE MAKING

**Innovate NY Fund**

**I.D. No.** UDC-27-12-00005-E

**Filing No.** 575

**Filing Date:** 2012-06-15

**Effective Date:** 2012-06-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of Part 4252 to Title 21 NYCRR.

**Statutory authority:** Urban Development Corporation Act, sections 9-c and 16-u; L. 1968, ch. 174

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** The current economic crisis, including high unemployment and the immediate lack of seed stage capital for job generating small business, are the reasons for the emergency adoption of this Rule which is required for the immediate implementation of the Innovate NY Fund Program in order to promptly

provide assistance to the State's small businesses engaged in one or more emerging technology fields and demonstrating a potential for substantial growth and job development. These businesses shall be in the pre-revenue, recently established revenue stream phase or not yet in receipt of institutional investments. This assistance will sustain and increase employment generated by these businesses.

**Subject:** The Innovate NY Fund.

**Purpose:** Provide the basis for administration of The Innovate NY Fund.

**Text of emergency rule:** INNOVATE NY FUND

*Section 4252.1 Purpose*

The purpose of these regulations is to facilitate administration of the Innovate NY Fund (the "Fund" or the "Program") authorized pursuant to section sixteen-u of the New York State Urban Development Corporation Act (the "Act").

*Section 4252.2 Definitions*

The following terms shall have the meanings given below:

1. "Beneficiary Company" shall mean a Seed Stage Business that an Investment Entity selects for a Fund investment (also referred to as a "Portfolio Company" after the Fund investment is made).
2. "Carried Interest on Capital Gains" shall mean the share of any profits that the owners, partners or members of an Investment Entity receive as compensation.
3. "Corporation" shall mean the New York State Urban Development Corporation d/b/a Empire State Development, a corporate governmental agency of the State of New York, constituting a political subdivision and public benefit corporation created by chapter one hundred seventy-four of the Laws of nineteen hundred sixty-eight, as amended.
4. "Disbursement Process" means the process for disbursing Program funds to Investment Entities.
5. "Due Diligence" shall mean an in-depth investigative approach to evaluating the Beneficiary Company and verifying an investment opportunity, which may include assessment of the management team, business plan, financial history, financial projections, and the Beneficiary Company's technology and products/services.
6. "Emerging Technology Field" shall mean one or more of the emerging technologies, as defined in section thirty-one hundred two-e of the Public Authorities Law, or any field, area or technology that is achieving or has the potential to achieve contemporary technological advances, innovation, transformation or development.
7. "Equity" shall mean common stock, convertible preferred stock, stock warrants or convertible notes or bonds that can also convert to common stock, and similar types of securities.
8. "Follow-on Investment" shall mean a subsequent investment made by an investor after an initial round of investment in a Portfolio Company.
9. "Hybrid Investment" shall mean an investment that combines Equity and debt features, such as preferred stocks, convertible bonds, and convertible notes.
10. "Investment Entity" shall mean a regional and local economic development organization, technology development organization, research university, or investment fund that provides or is otherwise qualified to make seed-stage investments in companies located in the State of New York.

11. "Leveraging" or "leverage" shall mean utilizing investment assets alongside other sources of capital.

12. "Matching Investment Funds" shall mean monies secured in addition to Program funds.

13. "Portfolio Company" shall mean a Beneficiary Company after the Fund investment is made.

14. "Seed-Stage Business" shall mean a Small Business, located in New York State and working in one or more Emerging Technology Fields, which demonstrates a potential for substantial growth and job development, has the potential to generate additional economic activity in New York State, and that is pre-revenue, has only begun to earn revenue, or has not yet received institutional investments.

15. "Small Business" shall have the meaning as set forth in section 131 of the Economic Development Law.

16. "State" shall mean the State of New York.

*Section 4252.3 Investment Objectives*

The Fund objective is to invest in Seed Stage Businesses through Investment Entities that are selected by and are under contract to the Corporation. Investment priority shall be given to Seed Stage Businesses involved in commercialization of research and development or high technology manufacturing.

*Section 4252.4 Selection of Investment Entities*

The Corporation shall identify and select Investment Entities through one or more competitive statewide, regional or local solicitations. Investment Entity applicants shall be evaluated on criteria including, but not limited to, the applicant's: (a) record of success in raising investment funds and successfully investing them; (b) capacity to perform Due Dili-

# APPENDIX

The following Appendix was filed with a Notice of Proposed Rule Making pertaining to Foreign Language Advertising by

Notaries Public, I.D. DOS-27-12-00016-P published in this issue of the *State Register*.

A new Subchapter L is added to Chapter V of Title 19 of the NYCRR to read as follows:

## **Subchapter L Notaries Public**

### Part 200 Notaries Public

#### §200.1 Advertising

(a) A notary public who is not an attorney licensed to practice law in the State of New York shall not falsely advertise that he or she is an attorney licensed to practice law in the State of New York or in any jurisdiction of the United States by using foreign terms including, but not limited to: abogado, mandataire, procuratore, Адвокат, 律師, and avoca.

(b) A notary public who is not an attorney licensed to practice law in the State of New York and who advertises his or her services as a notary public in a language other than English shall include in the advertisement the following disclaimer: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice." The disclaimer shall be printed clearly and conspicuously and shall be made in the same language as the advertisement. The translated disclaimer, in some but not all languages, is as follows:

(1) Simplified Chinese:

我不是有执照的律师，不能出庭辩护，不能提供有关移民事务或其他法律事务的法律建议，也不能收取法律咨询的费用。

(2) Traditional Chinese:

本人不是持牌執業律師，因此不能出庭辯護，不能向閣下提供移民及其他法律事務方面的法律意見，也不能收取法律諮詢費

(3) Spanish:

"No estoy facultado para ejercer la profesión de abogado y no puedo brindar asesoría legal sobre inmigración o ningún otro asunto legal como tampoco puedo cobrar honorarios por la asesoría legal."

(4) Korean:

저는 법을 집행할 수 있는 자격이 있는 변호사가 아니며, 이민이나 또는 다른 적법한 문제나 혹은 적법한 조언에 대한 수수료를 받을 수 있는지에 대한 법률상의 조언을 드릴수 가 없을지도 모릅니다.

## (5) Haitian Creole:

MWEN PA AVOKA KI GEN LISANS POU PRATIKE LWA E MWEN PA KA BAY  
KONSEY LEGAL SOU ZAFÈ IMIGRASYON OSWA NENPÒT KI LÒT ZAFÈ LEGAL OSWA  
AKSEPTE LAJEN POU BAY KONSEY LEGAL."

Comment: A provider expressed concern that a reduction in the CH program fee schedule will “reduce the provider’s ability to deliver this critical service resulting in increased dependence on day habilitation and residential programs.” Another provider stated that reductions in CH fees will cause hardship for providers.

Response: OPWDD notes that this decrease is only associated with a reduction in the clinical oversight component of the fees. This decrease is justified by fiscal review findings used by OPWDD to evaluate the CH program. The primary fiscal finding was that the February 1, 2009 regional fees were constructed with clinical oversight components at too high a level. Therefore, the clinical oversight component of the CH fee is being reduced in accordance with fiscal review results.

## Public Service Commission

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Mothballing of Generation Facility Units and Related Electric Service Reliability Remedies

**I.D. No.** PSC-39-12-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a notice filed by Cayuga Operating Company, LLC on the mothballing of generation facility units located in Lansing, New York, and related electric service reliability remedies.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(1), (2), (3), (4), (5), (6), (8), (9), (10), (11), (12), (12-a), (12-b), (16) and (20)

**Subject:** Mothballing of generation facility units and related electric service reliability remedies.

**Purpose:** Consideration of the mothballing of generation facility units and related electric service reliability remedies.

**Substance of proposed rule:** The Public Service Commission is reviewing impacts arising out of a notice submitted by Cayuga Operating Company, LLC (Cayuga) on July 20, 2012, stating that Cayuga intends to mothball two electric generating units, located in Lansing, New York, no later than January 16, 2013. Cayuga’s notice was submitted pursuant to the Commission’s Order Adopting Notice Requirements for Generation Unit Retirements issued in Case 05-E-0889.

As discussed in letters from Iberdrola USA Management Corp. and the New York Independent System Operator, Inc., dated August 24, 2012, the proposed mothballing of Cayuga’s generating units would raise issues affecting the reliability of electric service. The Commission is considering remedies to ensure reliability, including the adoption of any rates, terms, or conditions necessary to preserve adequate reliability. The documents identified above are available on the Commission’s website, by going to the following web address: [http://www.dps.ny.gov/New\\_Search.html](http://www.dps.ny.gov/New_Search.html) and searching Case Numbers 12-E-0400 and 05-E-0889.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** Leann Ayer, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [leann.ayer@dps.ny.gov](mailto:leann.ayer@dps.ny.gov)

**Data, views or arguments may be submitted to:** Jaclyn A. Brillling, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

#### Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(12-E-0400SP1)

## Department of State

### NOTICE OF ADOPTION

#### Foreign Language Advertising by Notaries Public

**I.D. No.** DOS-27-12-00016-A

**Filing No.** 939

**Filing Date:** 2012-09-11

**Effective Date:** 90 days after filing

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of Part 200 to Title 19 NYCRR.

**Statutory authority:** Executive Law, section 135-b

**Subject:** Foreign language advertising by notaries public.

**Purpose:** To protect consumers against false and misleading advertising.

**Text or summary was published in the July 3, 2012 issue of the Register, I.D. No. DOS-27-12-00016-P.**

**Final rule as compared with last published rule: No changes.**

**Text of rule and any required statements and analyses may be obtained from:** Whitney Clark, NYS Department of State, Office of Counsel, 1 Commerce Plaza, 99 Washington Avenue, Albany, NY 12213, (518) 473-2728, email: [whitney.clark@dps.ny.gov](mailto:whitney.clark@dps.ny.gov)

#### Assessment of Public Comment

The agency received no public comment.

## Department of Taxation and Finance

### ERRATUM

A Notice of Proposed Rule Making, I.D. No. TAF-37-12-00003-P, pertaining to Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith, published in the September 12, 2012 issue of the *State Register* contained an incorrect figure in the text of the rule. Following is the corrected text of the proposed rule:

**Text of proposed rule:** Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (lxviii) to read as follows:

Motor Fuel			Diesel Motor Fuel		
Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate
(lxvii) July-September 2012					
16.0	24.0	41.8	16.0	24.0	40.05
(lxviii) October-December 2012					
16.0	24.0	41.8	16.0	24.0	40.05

The Department of State apologizes for any confusion this may have caused.